



Federal Communications Commission  
Office of the Secretary  
Washington, D.C. 20554

June 20, 2005

Stephen L. Earnest  
Bellsouth Corporation  
Suite 4300  
675 West Peachtree Street, N.W.  
Atlanta, Georgia 30375-0001

**DOCKET FILE COPY ORIGINAL**

RE: Motion to Accept Filing as Timely  
Filed in WC Docket No. 03-251

Dear Mr. Earnest:

The Office of the Secretary has received your request for acceptance of the document filed by Bellsouth Corporation in the above-referenced proceeding as timely filed, due to technical difficulties with the Commission's Electronic Comment Filing System (ECFS).

In accordance with 47 C.F.R. Section 0.231(i), I have reviewed your request and verified your assertions. After considering the relevant arguments, I have determined that these filings will be accepted as timely filed on June 13, 2005. If we can be of further assistance, please contact the Office of the Secretary.

Sincerely,

A handwritten signature in dark ink, appearing to read "Marlene H. Dortch", is written over a horizontal line.

Marlene H. Dortch  
Secretary

CC: Wireline Competition Bureau

ORIGINAL

Before the  
Federal Communications Commission  
Washington, D. C. 20554

RECEIVED  
JUN 14 2005  
Federal Communications Commission  
Office of Secretary

In the Matter of )

)  
BellSouth Telecommunications, Inc. Request )  
for Declaratory Ruling that State )  
Commissions May Not Regulate Broadband )  
Internet Access Services by Requiring )  
BellSouth to Provide Wholesale or Retail )  
Broadband Services to Competitive LEC )  
UNE Voice Customers )

WC Docket No. 03-251

**MOTION TO ACCEPT LATE FILED COMMENTS**

BellSouth Corporation, on behalf of itself and its wholly owned subsidiaries ("BellSouth"), hereby moves that the Commission accept BellSouth's Comments in the above referenced proceeding.

Comments on the Commission's Notice of Inquiry regarding the Commission's investigation of bundled service offerings were due on Monday, June 13, 2005. BellSouth attempted to effectuate filing through the electronic filing system. The filing appeared to have been transmitted but BellSouth did not receive a confirmation receipt. As a precautionary step, BellSouth attempted to re-file its comments several times (approximately 10 times), but did not receive a confirmation on any of the attempts. On the last attempt, BellSouth received an error notice stating that the Commission "system [had] experienced a server error and is currently unavailable." The notice stated that the error was the inability to access the Sybase Server.<sup>1</sup> As required by the Notice of Inquiry, BellSouth did send an electronic copy of its comments to

<sup>1</sup> A copy of this error confirmation is attached at exhibit 1.

BellSouth Motion  
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0+4

Janice Myles on the June 13<sup>th</sup> and BellSouth received confirmation that these copies were delivered.<sup>2</sup>

Acceptance of the late filed comments would not prejudice any party because Reply Comments are not due until July 12 and, thus, interested parties will have sufficient time to obtain BellSouth's comments and consider them before having to respond.

Accordingly, the Commission should grant BellSouth's Motion.

Respectfully submitted,

**BELLSOUTH CORPORATION**

By: /s/ Stephen L. Earnest  
Stephen L. Earnest  
Richard M. Sbaratta

Its Attorneys

Suite 4300  
675 West Peachtree Street, N. W.  
Atlanta, Georgia 30375-0001  
(404) 335-0711

Date: June 14, 2005

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<sup>2</sup> BellSouth divided its comments and attachments into three PDF files and sent the three files under separate emails. A Copy of each email delivery confirmation is attached as exhibit 2. Additionally, the undersigned spoke with Ms. Myles this morning and she confirmed that she had received the emails.

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 14<sup>th</sup> day of June 2005 served the following parties to this action with a copy of the foregoing **MOTION TO ACCEPT LATE FILED COMMENTS** by electronic filing to the parties listed below.

+Marlene H. Dortch  
Secretary  
Federal Communications Commission  
The Portals, 445 12<sup>th</sup> Street, S. W.  
Room 5-B540  
Washington, D. C. 20554

+ Best Copy and Printing, Inc.  
Federal Communications Commission  
The Portals 445 12<sup>th</sup> Street, SW  
Room CY-B402  
Washington, DC 20554

/s/ Lynn Barclay \_\_\_\_\_  
Lynn Barclay

**+ VIA ELECTRONIC FILING**

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# **EXHIBIT 1**



## **Federal Communications Commission**

### **SERVER client ERROR OCCURED**

**The system has experienced a server error and is currently unavailable**

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**Mail us your comments or suggestions (To: [webmail@fcc.gov](mailto:webmail@fcc.gov))**

**FCC - Federal Communications Commission - m -**

### ***SERVER client ERROR OCCURED***

***The system has experienced a server error and is currently unavailable***

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**Mail us your comments or suggestions (To: [webmail@fcc.gov](mailto:webmail@fcc.gov))**

**FCC - Federal Communications Commission - m -**

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### ***Error:***

***Can't access Sybase Server***

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# **EXHIBIT 2**

**Barclay, Lynn**

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**From:** Postmaster  
**Sent:** Monday, June 13, 2005 7:13 PM  
**To:** Barclay, Lynn  
**Subject:** Delivery Status Notification (Relay)



ATT108335.txt  
(289 B)



03-251  
outh's Comments

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

janice.myles@fcc.gov



## Barclay, Lynn

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**From:** Postmaster  
**Sent:** Monday, June 13, 2005 7:14 PM  
**To:** Barclay, Lynn  
**Subject:** Delivery Status Notification (Relay)



ATT108340.txt RE: 03-251  
(289 B) South's Commer

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

janice.myles@fcc.gov

## Barclay, Lynn

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**From:** Postmaster  
**Sent:** Monday, June 13, 2005 7:15 PM  
**To:** Barclay, Lynn  
**Subject:** Delivery Status Notification (Relay)



ATT108341.txt RE: 03-251  
(289 B) South's Commer

This is an automatically generated Delivery Status Notification.

Your message has been successfully relayed to the following recipients, but the requested delivery status notifications may not be generated by the destination.

janice.myles@fcc.gov